

Exhibit A-1

1 Q And what did you do to participate in the processing
2 of that Oldsmobile?

3 A I photographed the vehicle as I found it. I
4 examined the vehicle for pertinent evidence. I vacuumed the
5 front portion passenger's compartment of the vehicle. There
6 was various collections made, and then I processed pertinent
7 areas that the Police Department requested for latent
8 prints.

9 Q And did you analyze the prints yourself?

10 A No.

11 Q Did you lift the prints yourself?

12 A Yes.

13 Q So looking at Exhibit Number, State's Exhibit
14 Number 137 which you have in front of you there -- you
15 lifted the prints; is that correct?

16 A Yes.

17 Q And you took vacuum sweepings from the car?

18 A That's correct.

19 Q And you took photographs?

20 A That's correct.

21 Q And did you check with anyone at your -- First did
22 you take those to the lab, all those items?

23 A Yes.

24 Q And did you check with anyone with regard to those
25 items to find out what the analysis was?

1 A No.

2 Q Did you have conversations with Captain Corwin about
3 those items as to the findings?

4 A Not about these items, no. I don't remember having
5 a conversation with him.

6 Q So would you say your job was to kind of go over the
7 car inside and out with a fine tooth comb to see if you can
8 find any carpet fibers that match, any hair samples like
9 from persons for comparison and any glass particles. What
10 was the purpose of the vacuum sweepings?

11 A The purpose of the vacuum sweeping is to collect any
12 microscopic or macroscopic evidence that might be -- that I
13 might not be able to see. And have it analyzed later for
14 determination by the microanalysis section if there is
15 anything there of any value.

16 Q And in your experiences, tell us is a hair maybe one
17 of the things you couldn't see?

18 A Could be, yes.

19 Q And it could be a particle of glass fragment?

20 A That could be.

21 Q And it also could be a fiber from a piece of carpet
22 coming off the person's shoe?

23 A It could be.

24 Q Now you made a report on March 8, 1994, are you
25 familiar with that?

Exhibit A-2

STATE OF OHIO, :
 :
 Plaintiff :
 :
 -vs- : CASE NO. 94-CR-042
 :
 KEVIN A. KEITH, :
 :
 Defendant :

The deposition of G. MICHELE YEZZO, called as a witness for the State of Ohio in a trial deposition, taken on May 12, 1994, at the Crawford County Courthouse, 112 E. Mansfield Street, Bucyrus, Ohio 44820, before Diana Wade, Official Court Reporter and Notary Public, pursuant to Agreement of counsel.

ON BEHALF OF THE PLAINTIFF:

ON BEHALF OF THE DEFENDANT:

James H. Banks
Attorney at Law
P.O. Box 1950
Dublin, Ohio 43017

1 May 12, 1994

2 G. MICHELE YEZZO

3 Called as a witness for the State of Ohio, being
4 first duly sworn in by the Court Reporter according to law,
5 was examined and testified as follows:

6 DIRECT-EXAMINATION

7 BY - MR. WISEMAN:

8 Q State your name and occupation for the record.

9 A G. Michele Yezzo, Forensic Scientist for the State
10 Attorney General, Bureau of Criminal Identification and
11 Investigation.

12 Q And where do you actually do this work?

13 A At Headquarters in London, Ohio.

14 Q Okay. All right. Would you tell us a little bit
15 about the nature of your work there.

16 A Yes, I do the analysis of items of evidence
17 submitted to the laboratory, report the results of the
18 analysis, and testify in Courts throughout the State of
19 Ohio.

20 Q How long have you done this kind of work?

21 A I have been with the Bureau since 1976,
22 approximately 17 and a half years.

23 Q Have you had specialized training to perform this
24 work?

25 A Yes, sir, I have.

1 Q Would you outline that for us please?

2 A I have a Bachelor of Science degree in comprehensive
3 sciences with a concentration in biology and chemistry, with
4 a minor in criminal justice which I received at Youngstown
5 State University in 1976. I have received specialized
6 training through the F.B.I. and also a number of other
7 symposiums and workshops throughout my career. These
8 workshops were sponsored by the American Academy of Forensic
9 Science, the Mid-western Association of Forensic Science,
10 and the Mid-Atlantic Association of Forensic Science.

11 Q So these are all studies done by you since your
12 employment -- 17 years of employment with BCI & I?

13 A Yes, sir.

14 Q Have you ever written any articles or taught any
15 courses in your field?

16 A I teach periodically for the State of Ohio Peace
17 Officer Training Academy as well as for the Northern
18 California Criminal Justice System; and have taught for the
19 Corning Community College in Corning, New York; as well as
20 doing a number of seminars sponsored by various
21 organizations including the State Health Department and the
22 State Prosecutor's Association, etc.

23 Q Okay. Have you ever testified in court as an expert
24 witness before?

25 A Yes, sir, I have.

1 Q How many times?

2 A Over 200 times in 49 different counties in Ohio.

3 Q And have you qualified as an expert in these
4 instances?

5 A Yes, sir, I have.

6 Q All right. Ms. Yezzo, I will hand you what has
7 previously been marked as State's Exhibit 5 for
8 identification. And I will ask you to take a look at that
9 and tell us if you can identify that?

10 A Yes, sir, I can.

11 Q What is it please?

12 A It's an envelope that contains items submitted to me
13 by mail from the Bucyrus Police Department, submitted as our
14 case number 94-10495G as in George, which contains some
15 papers -- copies of papers in reference to tires.

16 Q Okay. I notice it is sealed now. Do you know how
17 it got that way?

18 A Yes, sir. As well as bearing my initials and case
19 number and item numbers, it also bears my initials along the
20 seal. I was the one that sealed it.

21 Q When you received that was it sealed?

22 A Yes, sir, it was.

23 Q And who broke the seal?

24 A I did.

25 Q Would you break the seal now so we can see what is

1 inside?

2 A Okay.

3 Q You have opened that envelope; correct?

4 A Yes, sir, I have.

5 Q And would you please tell us what is inside it?

6 A It contains a number of pieces of paper: G-1 which
7 is a copy of a Firestone Mastercare Car receipt, ticket
8 number 46395532; a copy of a maintenance warranty and
9 service manual, our item number G-2 referring to a vehicle
10 having some TR2000 tires; and thirdly, a copy of an item as
11 I have marked G-3 of some copies of tire surface
12 impressions.

13 Q Okay, let's have those marked please.

14 (State's Exhibits 17, 18, and 19 were marked for
15 identification.)

16 Now, the items that have been marked 17, 18, and 19,
17 State's Exhibits for identification are the items that were
18 received by you in the envelope marked State's Exhibit 5 for
19 identification?

20 A That's correct.

21 Q Okay. And I am going to hand you another Exhibit
22 marked State's Exhibit 1 for identification which consists
23 of three pages and ask if you can take a look and identify
24 it if you can?

25 A Yes, sir.

1 Q Would you please?

2 A Yes, sir, this is a copy of the report which I
3 issued referring to the BCI Case Number 94-10495 in a number
4 of additional submissions in the case -- submissions from
5 the Bucyrus Police Department either by our agent or the
6 department directly.

7 Q Okay. I am going to hand you now what has been
8 marked as State's Exhibit 8 for identification and ask if
9 you can identify that?

10 A Yes, sir, I can.

11 Q Would you do that for us please?

12 A This is a photograph of the front portion of the
13 automobile submitted to the laboratory under, again, the
14 same case number 94-10495, this one is dash "E-1."

15 Q And that was another submission that you used to
16 prepare the report that you just identified?

17 A That's correct.

18 Q I am going to hand you more Exhibits. These are
19 kind of bulky. The first one is marked State's Exhibit 3
20 for identification. I will ask you to examine that please
21 and tell us whether or not you can identify it?

22 A Yes, sir, I can.

23 Q And what is that please?

24 A It is a paper bag containing a plaster cast that was
25 submitted to our laboratory under the same case number by

1 one of the field agents.

2 Q And did you use this in the compilation of the
3 report you previously identified?

4 A Yes, sir, I did.

5 Q And now Ms. Yezzo, I will hand you what has been
6 marked as State's Exhibit 4 for identification and ask you
7 to examine that item and tell us if you can identify it?

8 A Sir, do you want me to open it?

9 Q Is it sealed?

10 A It is stapled.

11 Q Go ahead and open it and look at it.

12 A Yes, I can.

13 Q What is it please?

14 A It is a plaster cast of the partial tire impression
15 submitted to our laboratory by our Agent, Larry Harden.

16 Q And was this Exhibit that you identified, used by
17 you in the preparation of the report that you previously
18 identified?

19 A Yes.

20 Q Were there any other items that you used in the
21 compilation of that report such as photographic evidence?

22 A Yes, sir, there were a number of photographs gleaned
23 from film that was submitted by again, our agent, Larry
24 Harden.

25 MR. WISEMAN: I haven't been showing these

1 to you.

2 MR. BANKS: I have seen those.

3 MR. WISEMAN: These are the ones she brought
4 with her.

5 MR. BANKS: Okay.

6 Q (Mr. Wiseman) Ms. Yezzo, I am going to hand you a
7 series of exhibits now that have been previously marked--
8 Well, first State's Exhibit 9 for identification, would you
9 tell us if you can identify that?

10 A Yes, sir, I can.

11 Q And what is that please?

12 A It is an enlargement that I made with our copy
13 machine of one of the tires on State's Exhibit, I believe it
14 was--

15 Q That is right besides you.

16 A Yes, thank you, number 17.

17 Q Why did you make that enlargement?

18 A For purposes of documentation for my file and also
19 for the examination and comparison with the tire impression,
20 the plaster cast we have been discussing and the photographs
21 from the scene.

22 Q Okay. I notice that the one item you identified had
23 figures of several tires on it. Was this particular blowup
24 taken from that?

25 A Yes, sir.

1 Q Why did you blow up this particular tire out of all
2 the ones on the page?

3 A For the purpose of comparison. It was submitted
4 that that particular tread design tire was what was
5 purported to have been on the vehicle and I was interested
6 in making a comparison to see if it was consistent with that
7 tire tread.

8 Q I got you, okay. Okay, I would like you to look at
9 State's Exhibit 10 for identification and I will ask if you
10 can identify that?

11 A Yes, sir, I can.

12 Q What is that please?

13 A It is a photograph made from one of the tires on the
14 vehicle that we have previously mentioned as being item
15 number E-1 of the Bureau submitted on this case. The
16 vehicle photograph is marked as State's Exhibit Number 8.

17 Q Okay. To save time, I am going to hand you State's
18 Exhibits 11, 12, 13, 14, 15, and 16 for identification.
19 They are marked on the back. I will ask you to look at
20 these one at a time and carefully tell us if you can-- Well
21 identify them and then we can have you tell what they are if
22 you can.

23 A Yes, I can.

24 Q You can identify them?

25 A Yes, sir.

1 Q Start with the first numbered exhibit and tell us
2 which one that is and tell us what it is.

3 A The one marked as State's Exhibit 11 is a
4 photographic reversal of a partial license plate impression
5 deposited in snow and it was submitted in the film-- I will
6 rephrase that. The film for examination was submitted by
7 our agent, Larry Harden as a result of his examination of
8 the crime scene area.

9 Q And did you use that in drawing a conclusion
10 reflected in the report you previously identified?

11 A Yes, sir, I did.

12 Q And the next photo please?

13 A The second, which is marked as State's Exhibit
14 number 12 would be, again, that same negative. However,
15 this one is printed as it would appear. The one marked as
16 State's Exhibit 11 is a photographic reversal where you can
17 read the numbers directly and the one that is State's
18 Exhibit 12 that is as it would appear. The number would be
19 a photographic mirror image.

20 Q Okay, let's go to the next one.

21 A Okay, the one marked State's Exhibit 13 is the
22 overview area, again of the photographic reversal of the
23 noticable impression mentioned as part of State's exhibit 11
24 and 12. And again, this was created during the course of my
25 examination and/or for court purposes.

1 Q And you used this in the compilation and findings
2 contained in your report?

3 A That's correct.

4 Q Next item please?

5 A State's Exhibit 14, again that is the same negative
6 as State's Exhibit 13 however State's Exhibit 14 is as it
7 would appear, whereas, State's Exhibit 13 is a photographic
8 reversal to be read directly.

9 Q Okay, the next one?

10 A State's Exhibit number 15 is a photographic reversal
11 of the tire impression for the partial tire impression
12 deposited again, in snow, and also taken from the same
13 submitted film by our Agent, Larry Harden.

14 Q Now what conclusion did you reach based on your
15 examination of Exhibit 4 and 3 and the photographs you have
16 described of the license plate impression?

17 A I was able to determine as a result of the
18 examination of the plaster cast of the tire impression and
19 also the photograph of the tire impression that again was
20 taken by our Agent, when compared with the tires that were
21 on the vehicle submitted at our item E-1 photograph which is
22 State's Exhibit Number 8 which was the tire in State's
23 Exhibit Number 10--

24 Q Can we go to the license plate first?

25 A Okay.

1 Q Oh, you have two pictures left?

2 A Yes.

3 Q I didn't see them. Let's go to those first. Go
4 ahead please.

5 A State's Exhibit Number 16 is the partial tire
6 impression again from our film, item number 2, this is the
7 same negative as State's Exhibit Number 15 however this was
8 as it appeared where the one in State's Exhibit 15 is a
9 photographic reversal.

10 And we also have-- Well I guess these two Exhibits,
11 State's Exhibits 9 and 10 have been identified, I beg your
12 pardon.

13 Q Okay, just going on then, did you use all of those
14 to reach or draw the conclusions made in your report?

15 A Yes, sir, I did.

16 Q Okay, lets talk first about the license plate
17 impression. I believe you testified that State's Exhibit 3,
18 I will hand you that again, is a plaster cast of some sort
19 of a purported license plate impression; is that right?

20 A That's right.

21 Q After examination of State's Exhibit 3 for
22 identification and the photographs you have identified, did
23 you come to any conclusions regarding the impression in the
24 snow by the purported license plate?

25 A Yes, sir, I did.

1 Q Okay, and what were those impressions?

2 A As a result of that examination, I was able to
3 identify the numbers "043" in the region of the, quote,
4 purported license plate area, as well as the overview area
5 which showed it was placed on the vehicle -- similarly
6 placed, I will rephrase. It was similarly placed on the
7 vehicle as the license plate is placed on the vehicle which
8 was pictured in State's Exhibit Number 8.

9 Q So the placement of the license plate and the
10 numbers that you were able to identify from the cast and the
11 photograph of it in the snow as submitted to you were
12 consistent with the license plate on the vehicle that was
13 submitted to you for comparison; is that correct?

14 A The general orientation of the license plate was
15 consistent, yes, sir.

16 Q Let's talk about the tire now. Based on your
17 examination of the photograph and you identified State's
18 Exhibit 4 for identification as the plaster cast, and the
19 vehicle that was submitted to you for identification, the
20 vehicle that was depicted in the State's Exhibit photo, did
21 you come to any conclusion regarding this vehicle and those
22 tires and prints?

23 A Yes, sir, I did.

24 Q Would you tell us about those please?

25 A The plaster cast and photograph of the tire

1 impression that I received at the laboratory, were different
2 tread designs from the tires that were on the vehicle again
3 in the photograph marked as State's Exhibit 8 and the tire
4 being in photograph, State's Exhibit number 10, they were
5 different in tread design.

6 Q In other words, the tires that were on the vehicle
7 submitted to you for examination were inconsistent with the
8 cast and photographs submitted to you as being from the
9 crime scene?

10 A That's correct.

11 Q Okay. What else did you determine about the
12 submissions given to you and these tires?

13 A Well, I received again, from the "G" submission, some
14 items, I believe those were introduced as State's Exhibit 5.
15 Among them, one which I blew up which is called State's
16 Exhibit Number 9, an enlargement from that on the copy
17 machine, the Triumph 2000 tire, again shown here on my item
18 State's Exhibit 9, I found to be similar in tread design to
19 the plaster cast and also to the photographs of the crime
20 scene area.

21 Q Were you able to find out anything about the tires
22 that were on the car submitted to you for comparison?

23 A Yes, sir, I was.

24 Q And is that contained in your report?

25 A Yes, sir.

1 MR. WISEMAN: I think I have no further
2 questions. Mr. Banks, your witness.

3 CROSS-EXAMINATION

4 BY - MR. BANKS:

5 Q Can you say with absolute scientific certainty that
6 the license plate impression from the snow is absolutely the
7 license plate that was on the Oldsmobile that you
8 identified?

9 A No, sir, I didn't state that.

10 Q As a matter of fact, you can just say there's a
11 similarity; isn't that correct?

12 A Well, as I stated, the numbers 043 were present and
13 that the license plate was placed consistently on that
14 vehicle versus the impression in the snow.

15 Q Would there have been any other types of tests,
16 based on your education and experience, that you could have
17 used to more specifically identify that car, say, for
18 example a paint chip? Would you be able to run a test on a
19 paint chip?

20 A Well, sir, I don't understand your question.

21 Q Let me rephrase it.

22 Let's say you had the Oldsmobile, let's use the
23 State's Exhibit which is--

24 A Number 8.

25 Q --State's Exhibit Number 9 (sic). And let's say you

1 had a piece of the paint that came from State's Exhibit 9 --
2 that Oldsmobile -- would you be able to analyze that at the
3 lab?

4 A Yes, sir.

5 Q And tell whether or not that came from that
6 Oldsmobile?

7 A You would still not prevail in saying it came from
8 that particular vehicle in most circumstances.

9 Q But my question is, did you have any other type of
10 evidence whatsoever: a chip of paint, fingerprints from
11 anyone coming from around the rim of the tires? Were there
12 any fingerprints at all?

13 A I don't do fingerprint work. I don't know what was
14 submitted for that work.

15 Q You don't know, if in fact, the tires were changed
16 on that car and if they were by whom?

17 A No, sir, I do not. I do know they were manufactured
18 in January of 1994.

19 Q My question to you is you don't know when or who
20 changed the tires?

21 A No, sir.

22 MR. BANKS: I need just a minute.

23 MR. WISEMAN: Take your time.

24 Q (Mr. Banks) Ms. Yezzo, were you provided any other
25 type of documentation with regard to the numbers 043 by any

1 police department?

2 A No, sir, I was not.

3 (Defendant's Exhibit 5 was marked for
4 identification.)

5 Q Would you take a look at that. Would you agree that
6 is three pages of license numbers from Richland County and
7 Crawford County with cars having license plates ending in
8 the numbers 043?

9 A That's what it appears to be, sir.

10 Q And you were never provided that?

11 A No, sir.

12 Q So therefore you couldn't really tell us whether or
13 not any of those cars or license plates demonstrated in that
14 list, were in fact the car that made the impression?

15 A Sir, I don't know that I would be able to do that
16 had I had all the cars in my possession.

17 Q And you hadn't been able to do that here today with
18 the license plate. All you can tell is that the license
19 plate you saw is similarly placed in height and the number
20 043; is that correct?

21 A And the orientation towards one side on the front of
22 the vehicle.

23 Q And in order to compare or make a fair analysis with
24 regards to the other 043 license plates, you would need an
25 impression also; wouldn't you?

1 A To do a comparison, yes, sir.

2 Q So you can't say and my question is, the license
3 plates you are looking at in Defendant's Exhibit Number 5
4 could be excluded as being the license plate or car with the
5 license plate that made that impression; could you?

6 A I can't make any statement related to those at all,
7 including or excluding them.

8 Q Now, you did more than just a tire and license
9 analysis, didn't you, in your report and examination?

10 A That's right.

11 Q As a matter of fact, you were asked as to your
12 report, C7: received a sealed evidence envelope containing
13 glass samples from storm door window frame. Is that
14 correct?

15 A That's correct.

16 Q And what did you find from the examination of that
17 evidence?

18 A That was submitted as standards for comparison for
19 any glass that might be found on certain other items.

20 Q Did you find any of that glass in the car with the
21 license number 043 that you have identified in the Exhibit
22 for the State?

23 A No, sir, I did not.

24 Q Then you were also asked as to number C8: sealed
25 evidence bag containing carpet sample. Can you tell us what

1 you did with that?

2 A Again, that was submitted as a standard for
3 comparison.

4 Q And where did it come from do you know?

5 A I can't tell you off hand other than it was
6 submitted as a standard from I believe the residence.

7 Q What did you compare it to or analyze it for?

8 A I used it as a standard for comparison with any
9 samples from sweepings to see if, in fact, any fibers would
10 coincide with the samples in that standard.

11 Q What was your understanding as to where the
12 sweepings came from?

13 A They were submitted as having been taken from the
14 vehicle that we had as submission E1.

15 Q Okay, and what vehicle was that?

16 A The vehicle that is in the photograph, State's
17 Exhibit Number 8.

18 Q Number 8? The Oldsmobile we have been talking
19 about?

20 A That's correct.

21 Q With regards to the carpet sample, did you find any
22 carpet samples in that car that would match?

23 A I found no fibers that were consistent with it, no,
24 sir.

25 Q With regard to C11, you analyzed sealed evidence bag

1 containing clothes and shoes removed from the residence of
2 Kevin Keith; is that correct?

3 A That's is correct.

4 Q What type of tests did you perform on that?

5 A I performed an analysis to determine if there was
6 any blood present on those items.

7 Q Did you check for carpet fibers also?

8 A Yes, sir.

9 Q Did you check for glass samples?

10 A Yes, sir.

11 Q And what did you find?

12 A I found neither.

13 Q No glass samples or carpet fibers and no blood
14 samples?

15 A That's correct.

16 Q Then C12 on your report you have: One sealed bag
17 containing clothes and shoes of Kevin Keith at the time of
18 arrest. Was it your understanding in C11, the articles of
19 clothing and shoes came from his residence as reported?

20 A I believe that was stated on the submission, yes,
21 sir.

22 Q And C12, these items came from off of his body at
23 the time of his arrest. Is that your understanding?

24 A Again, as I understand it.

25 Q What type of tests did you perform with regard to

1 C12?

2 A I examined the debris as well as analyzing them for
3 any potential blood stains.

4 Q And did you find anything that connected Kevin Keith
5 to those fibers or other things you were looking for like
6 blood stains, carpet fibers, from the broken glass from the
7 window frames?

8 A I found no glass or fibers that were consistent with
9 the carpet standards submitted and I found no blood stains
10 on the items.

11 Q You were submitted as a matter of fact, by Captain
12 Blankenship, what is referred to as D2, a bag containing
13 shoes and socks of Quanita Reeves. Did you find anything
14 through your analysis with regard to those articles that
15 would be associated or implicate any contact with Kevin
16 Keith?

17 A Sir, I don't believe any analysis was done of those
18 items.

19 Q You didn't do an analysis on those items?

20 A That's correct.

21 Q Could you explain for me on your last page under
22 Item 2 of your report the second paragraph: "Further
23 examination of these tires revealed, DOT..." What does that
24 stand for?

25 A Department of Transportation.

1 Q And there is a number sign and some letters and 034?

2 A That's correct.

3 Q Do you know what the 034 stands for?

4 A That refers to the manufacture and it refers to the
5 fact it was manufactured in the third week of 1994.

6 Q Okay, now with regard to your tire impressions,
7 regarding the Triumph 2000, that is the brochure that was in
8 the car that you identified--

9 A No, sir.

10 Q --the new tires?

11 A No, the brochure was submitted to me directly via
12 the Bucyrus Police Department.

13 Q What does TR2000 mean to you?

14 A It had 2000 S-A-T-R-A for the Triumph 2000; which is
15 a brand and style of tire made by Bridgestone, Firestone.

16 Q And you referred to that in number G1 and G2; is
17 that correct?

18 A Yes, sir.

19 Q And were those the items in the booklet that you
20 documented or that was found in the car or that you
21 associated with being purchased by those documents?

22 A Those are the items that were submitted to the
23 laboratory which I have opened here, that were in State's
24 Exhibit Number 5. They are copies of brochures received
25 directly from the Bucyrus Police Department. As to whether

1 or not they came from the vehicle, I have no knowledge of
2 that, sir.

3 Q And with regard to Exhibit Number 5 and that
4 documentation, you are saying the tire impression is similar
5 in tread and design; is that correct?

6 A That's correct.

7 Q Now, I am not trying to challenge you at all. I am
8 trying to learn about the difference between similarly and
9 absolutely. Is there any test that you can do where you
10 could say that you were absolutely sure that is the tire?

11 A Sir, what you have is a partial tread design
12 deposited in the snow, and as a result of that, the portions
13 that are sufficiently registered to examine are the same as
14 the tire that I have. However, not all of the tire is
15 registered and within our agency the results are what we
16 call similar.

17 Q So based on the amount of information available to
18 you, that is the only result that you could come up with?

19 A Based on the material that was available that is the
20 conclusion that I can draw, yes, sir.

21 Q Now, if you would have had a complete tire
22 impression or maybe the tire itself, you could compare it to
23 the picture and probably give a more complete--

24 A Well, again, the first thing we are talking about is
25 a partial design and you would need a complete design.

1 Q But my question is, if you had a complete design,
2 would you be able to give a complete answer?

3 A It depends on if there were individual markings
4 sufficiently registered for identification.

5 Q So you're really not sure completely about that tire
6 at all but are merely giving an impression based on what you
7 were provided with and to the extent to say there are some
8 similar traits with the partial cast which you compared to
9 the literature and brochure you were provided by the police
10 department; is that correct?

11 A No, sir.

12 Q Okay, tell us what you are saying?

13 A What I am saying is basically as stated in the
14 report and that is that the partial design that was present
15 in the snow bank and also on the plaster cast is similar in
16 design to the Triumph 2000, and incidentally, different than
17 the tires that were present on the vehicle that was
18 submitted as our number E1 in State's Exhibit 8, depicting
19 that vehicle. So it can be limited having been different
20 than the tires that were present on the vehicle which I
21 received and that they were -- the portion of the tread
22 design present and sufficiently registered for the
23 examination is the same as the tire, Triumph 2000. The
24 reason it is stated as being similar and as I stated
25 previously is that when one has not an entire design, one

1 can only speak of what is present and what was deposited in
2 the snow that I have are the same, however for the sake of,
3 again, conservatism, I will state are similar with the tread
4 design because it is not completely registered.

5 Q So what you are really saying after all that is that
6 it is not conclusive?

7 A No, sir, it conclusively eliminates the tires that
8 were on the vehicle and it's similarity is it would have
9 originated from the Triumph 2000.

10 Q But did not conclusively originate from the Triumph
11 2000, just similarly not conclusively?

12 A Conclusive in what respect, sir?

13 Q Conclusively, that you absolutely know that the
14 tires that were on that car, I guess you could say, were
15 there at that time? You can't say that?

16 A I can absolutely say that it is not the tire that
17 was on the vehicle as I received it.

18 Q Well, that is absolute. But you can't say the tires
19 that are in the pictures you identified were, in fact, the
20 tires that were purchased can you?

21 A The tires that were purchased? I don't know
22 anything about the tires that were purchased.

23 Q They didn't inform you to make an analysis or
24 comparison on the tires from the pictures and the tires in
25 the impressions to see if they were different?

1 A I used what was submitted.

2 Q Okay. You also did a sample analysis on a foot
3 print?

4 A Yes, sir, I did.

5 Q Okay, what type of foot print did you analyze?

6 A Again there was a partial tread design foot print in
7 the snow depicted in the photographs submitted by our agent,
8 Larry Harden.

9 Q And did you have a plaster cast?

10 A No, sir.

11 Q Were you given any plaster cast as you were given
12 these?

13 A No, sir.

14 Q Okay. Did you make a determination with regard to
15 the foot prints that were provided?

16 A Yes, sir, I did.

17 Q And what was that final analysis?

18 A As a result of the examination of the footwear
19 impression depicted in the photograph, they were different
20 in tread design from the shoes that were submitted within
21 our item, I believe C11 and C12.

22 Q Do you have anywhere in your report where you talk
23 about having different findings of foot impressions; or did
24 you not record that?

25 A If I might refer to the report?

1 Q Would you please. If you look at page three of your
2 report under number 4. Would that be your response to that?

3 A Yes, the footwear impression is different in tread
4 design from the footwear items submitted in items 11 and --
5 I beg your pardon, C11 and C12.

6 Q Go now to page two of your report, F3 you talk about
7 sweeper filter and vacuum sweepings from the gray 1982
8 Oldsmobile and we already established that you weren't able
9 to find anything?

10 A That's correct.

11 Q And F4, again vacuum sweepings from the same car,
12 you found nothing?

13 A That's right.

14 Q Okay, F5, the sweeper filter, you found nothing,
15 same car?

16 A Yes, sir.

17 Q Also all of these F3, 4, 5, and 6 all came from the
18 Oldsmobile you identified in the Exhibit. And again as you
19 read on, the submission portion of the report on page two,
20 they were all submitted as originating from that vehicle?

21 A That's what it means to me.

22 Q Well, you don't have any reason to doubt they were?

23 A No, sir, but for the purposes of identification, I
24 can't state that either.

25 Q I understand that.

1 Now, with regard to page one, number A4, A7, A13,
2 samples of blood collected from three of the victims. Were
3 you able to find any types of blood samples in your
4 analysis, categorized as Type A human blood on any of the
5 items that were provided to you with the identity of Kevin
6 Keith?

7 A I believe I have answered that question previously,
8 sir.

9 Q Would you answer it again for me?

10 A Certainly. I did not find any blood stains on the
11 clothing articles submitted to the laboratory.

12 Q Now, on your last page there from F6, you did make
13 an analysis with regard to Negroid and/or Caucasian hair
14 samples; is that correct?

15 A That's correct.

16 Q And where did that come from?

17 A F3, 4, 5, and 6.

18 Q And you reached a conclusion that there was Negroid
19 and/or Caucasian hair samples found?

20 A Yes.

21 Q Were you further given any type of head hair samples
22 from Kevin Keith for comparison with these particular
23 samples?

24 A No, sir, no further analysis was done on them.

25 MR. BANKS: Okay, nothing further.

1 MR. WISEMAN: A couple questions in line of
2 redirect that counsel asked you.

3 REDIRECT-EXAMINATION

4 BY - MR. WISEMAN:

5 Q You were asked some additional questions regarding
6 your observations of the tires that were present on the
7 vehicle submitted to you for comparison and depicted in the
8 photograph of the car.

9 A State's Exhibit 8.

10 Q Thank you. Were you able to observe anything about
11 that; the physical nature of those tires as to the wear of
12 them or anything that gave you any clues to-- I know you
13 testified previously that in your opinion they were
14 manufactured the third month of 1994, was there anything
15 else like how they were mounted on the car?

16 A They were manufactured in the third week of 1994 and
17 there were visible -- you could still see the small beads on
18 the surface of the tread design which would indicate there
19 was very minimal amount of wear on them. I couldn't state a
20 specific amount of miles but there was a very minimal amount
21 of usage.

22 Q Was there anything unique about the way they were
23 mounted on the rim or on the car?

24 A Not that I recall at this time.

25 Q Were they balanced?

1 A I did not see any weights that were on them at that
2 point, no, sir.

3 MR. WISEMAN: Thank you, I have no further
4 questions.

5 Any further questions?

6 MR. BANKS: I have just one in reference to
7 that.

8 RECROSS-EXAMINATION

9 BY - MR. BANKS:

10 Q So you are saying -- we are talking about the tires
11 as they were on the car that you examined?

12 A That's correct.

13 Q And your opinion was there was minimal wear on the
14 tires?

15 A Yes, the beads that were on the tread surface itself
16 were still very much present.

17 Q Okay, and when you say minimal amount, do you have
18 any idea how many miles?

19 A As I stated, I wouldn't make a determination on
20 that. I won't draw any conclusions. That would be rather
21 speculative. There are many ways to account for the wear of
22 tires.

23 MR. BANKS: Thank you.

24 MR. WISEMAN: I would move for the
25 introduction of all those exhibits. Do you have any

1 objection?

2 MR. BANKS: No, I have no objections.

3 (The witness waived signature.)

4
5
6
7 STATE OF OHIO)
8)ss:
COUNTY OF CRAWFORD)

9 I, Diana Wade, Official Court Reporter and Notary
10 Public within and for the State of Ohio, duly commissioned
11 and qualified, do hereby certify that the above named,
12 G. MICHELE YEZZO, was by me, before the giving of her
13 deposition, first duly sworn to testify to the truth, the
14 whole truth, and nothing but the truth; that the deposition
15 as above set forth was reduced to writing by me by means of
16 stenotype and was later transcribed into typewriting by me;
17 that the signing of the deposition by the witness was waived
18 by counsel; that the reading and signing of the deposition
19 was specifically waived by the witness; that the said
20 deposition was taken pursuant to agreement of counsel, and
21 was completed without adjournment; that I am not a relative
22 or attorney of either party or otherwise interested in the
23 event of this action.

24 IN WITNESS WHEREOF, I have hereunto set my hand and
25 seal of office, at Bucyrus, Ohio, this 13th day of May,
1994.

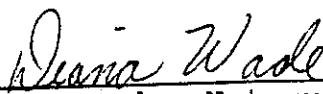

Diana Wade, Notary Public
For the State of Ohio

Exhibit A-3



Attorney General
Lee Fisher

STATE'S
EXHIBIT

1 3 pages

BCI-30 (Rev. 3-91)

Bureau of Criminal Identification and Investigation

Laboratory Report

To: Bucyrus Police Department
Captain Corwin
500 S. Sandusky Avenue
Bucyrus, Ohio 44820

BCI Lab Number: 94-10495, 94-10495-A
94-10495-C, 94-10495-D
94-10495-E, 94-10495-F
94-10495-G,
Analysis Date: 031694

Re: HOMICIDE AND SHOOTING/
KEVIN A. KEITH
VICTIM: RICHARD A. WARREN,
LINDA CHATMAN, MARICHELL D. CHATMAN,
MARCAE CHATMAN, QUANITA REEVES AND
QUINTON REEVES

Agency No: 94000315

Submitted on 021494 by Larry D. Harden, BCI Agent (94-10495)

- #2. Four (4) rolls of 34mm color film.
- #42. One (1) brown paper bag containing one (1) plaster cast of a license plate.
- #43. One (1) brown paper bag containing one (1) plaster cast of tire impression.

Submitted on 021694 by Robert D. Setzer, BCI Agent (94-10495-A)

- #A4. One (1) tube of blood collected from Marshay Chatman.
- #A7. One (1) tube of blood collected from Marscella Chatman.
- #A13. One (1) tube of blood collected from Linda Chatman.

Submitted on 021694 by Larry D. Harden, BCI Agent (94-10495-C)

- #C7. Sealed evidence envelope containing glass samples from storm door window frame.
- #C8. Sealed evidence bag containing carpet sample.
- #C11. Sealed evidence bags containing clothes and shoes removed from residence of Kevin Keith.
- #C12. One (1) sealed bag containing clothes and shoes of Kevin Keith at time of arrest.

Submitted on 022494 by Captain R.L. Blankenship (94-10495-D)

- #D2. Sealed bag containing shoes and socks of Quanita Reeves.

[Handwritten signature]

Please address inquiries to the office indicated, using the BCI lab number.

[] BCI & I - Fremont Office
405 Pine Street
Fremont, Ohio 43420
Phone: (419) 334-3851

[X] BCI & I - London Office
P.O. Box 365
London, Ohio 43140
Phone: (614) 466-8204

[] BCI & I - Richfield Office
P.O. Box 336
3333 Brecksville Road
Richfield, Ohio 44286
Phone: (216) 659-4600

[] BCI & I - Cambridge Office
60788 Southgate Road
Byesville, Ohio 43723
Phone: (614) 439-3655

94-10495, 94-10495-A
94-10495-C, 94-10495-D
94-10495-E, 94-10495-F
94-10495-G
- page 2 -

CONTINUED:

Submitted on 030794 by Captain R.L. Blankenship (94-10495-E)

#E1. 1982 Oldsmobile Omega, 4S, Ohio Registration MVR043,
VIN#1G3AB69R3CW331319.

Submitted on 030894 by Larry D. Harden, BCI Agent (94-10495-F)

- #F3. One (1) sealed evidence envelope containing paper, sweeper filter, and vacuum sweepings from grey 1982 Oldsmobile, Ohio Registration MVR043.
- #F4. One (1) sealed evidence envelope containing paper, sweeper filter, and vacuum sweepings from grey 1982 Oldsmobile, Ohio Registration MVR043.
- #F5. One (1) sealed evidence envelope containing paper, sweeper filter and vacuum sweepings from grey 1982 Oldsmobile, Ohio Registration MVR043.
- #F6. One (1) sealed evidence envelope containing paper, sweeper filter, and vacuum sweepings from grey 1982 Oldsmobile, Ohio Registration MVR043.

Submitted on 031494 by Captain M.L. Corwin via mail (94-10495-G)

- #G1. Copy of store sales receipt for tires sold and placed on item #E1 on 08/12/93 by owner.
- #G2. Copy of maintenance and warranty manual for same tires.
- #G3. Company photo of triumph 2000 tire put on car as mentioned above and believed to have been on vehicle at time of crime.

FINDINGS:

Examination of photographs from the film submitted as item #2, revealed the presence of a partial license plate impression (plaster cast submitted as item #42), a tire impression (plaster cast submitted as item #43) and a footwear impression registered in snow, comparison of these impressions with submitted standards revealed that:

- 1). The license plate region on item #2 bears the numbers "043" and is set toward the driver's side of the car with spacing and orientation similar to the license plate "MVR043" on the vehicle submitted as item #E1.



94-10495, 94-10495-A
94-10495-C, 94-10495-D
94-10495-E, 94-10495-F
94-10495-G
- page 3 -

FINDINGS (cont.):

- 2). The tire impression is different in tread design from the tires on item #E1.

Further examination of these tires revealed DOT#HYJKRCT 034". Reference indicates that these tires were manufactured by the Bridgestone-Firestone, Inc. plant in Oklahoma City, Oklahoma, in the third week of 1994.

- #3). The tire impression is similar in tread design to the copied pattern marked as "Triumph 2000" on item #G3. (This is documented as "TR2000" on the receipts marked items #G1 and #G2).

- #4). The footwear impression is different in tread design from the footwear items submitted in items #C11 and #C12.

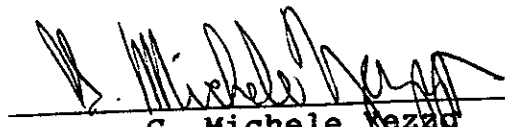
Analysis of the blood standards in items #A4, #A7 and #A13 revealed the presence of type "A" human blood.

Analysis of the clothing article in items #C11 and #C12 failed to indicate the presence of blood.

Comparison of the debris from items #C11 and #C12 and the contents of items #F3, #F4, #F5 and #F6 failed to reveal the presence of fiber samples which were consistent with the carpet in item #C8 or glass samples for comparison with item #C7.

Further examination of the contents of items #F3, #F4, #F5 and #F6 revealed the presence of Negroid and/or Caucasian head hair samples which are suitable for comparison.

No analysis was performed on items #C11D (sweeper bag) or #D2.


G. Michele Rezac
Forensic Scientist

GMY/rkm
T - 031794

CC: Larry Harden, BCI Agent
Robert D. Setzer, BCI Agent